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PTO/SB/01 (6-95)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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0010/PTO
Rev. 6/95

U.S. Department of Commerce
Patent and Trademark Office

Attorney Docket
Number

H 3185 PCT/US

First Named
Inventor

FABRY, Bernd

COMPLETE IF KNOWN

Application Number

09/554,387

Filing Date

06/29/2000

Group Art Unit

Examiner Name

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**USE OF MIXTURES OF ACTIVE AGENTS CONTAINING PHYSTOSTENOL FOR PRODUCING
HYPOCHOLESTERAEMIC PREPARATIONS**

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 11/05/1998 as United States Application Number or PCT International

Application Number

PCT/EP98/07059

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
197 50 453.1	Germany	11/14/1997	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)

Filing Date (MM/DD/YYYY)

Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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to Addressee" service
Mailing Label Number**

EL541612275US

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112.1 acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
	PCT/EP98/07059	11/05/1998	

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<input type="checkbox"/> Firm Name OR <input checked="" type="checkbox"/> List Attorney(s) and/or agent(s) name and registration number below:	<input type="text"/>	Customer Number or label	<input type="text"/>
John E. Drach Steven J. Trzaska	32,891 36,296	Aaron R. Ettelman Henry E. Millson, Jr.	42,516 18,980

Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.

Please direct all correspondence to:	<input checked="" type="checkbox"/> Customer Number or label	<u>23657</u>	OR	<input checked="" type="checkbox"/> Fill in correspondence address below
Name	Aaron R. Ettelman			
Address	Cognis Corporation - Patent Department			
Address	2500 Renaissance Boulevard, Suite 200			
City	Gulph Mills	State	PA	
Country	USA	Telephone	610-278-4930	
		Fax	610-278-6548	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned							
Given Name	<u>Bernd</u>	Middle Initial		Family Name	<u>Fabry</u>	Suffix e.g. Jr.			
Inventor's Signature	<u>B. Fabry</u>				Date	<u>May 16, 2000</u>			
Residence: City	<u>Korschenbroich</u>	<u>DEX</u>	State		Country	<u>Germany</u>	Citizenship	<u>Germany</u>	
Post Office Address		<u>Danziger Strasse 31</u>							
Post Office Address									
City	<u>41352 Korschenbroich</u>	State		Zip		Country	<u>Germany</u>	Applicant Authority	
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto									

Express Mail" Mailing Label No. EL541612275US.PATENT
Docket No. H 3185 PCT/USIN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re: Application of
Bernd Fabry

Serial No. 09/554,387 Examiner:
Filed: 06/29/00 Art Unit:
PCT/EP98/07059
International Filing Date: November 5, 1998
Priority Date Claimed: November 14, 1997
TITLE: USE OF MIXTURES OF ACTIVE AGENTS CONTAINING
PHYTOSTENOL FOR PRODUCING HYPOCHOLESTERAEMIC
PREPARATIONS

TRANSMITTAL OF DECLARATION
UNDER 37 CFR SECTION 1.494/5(c)Commissioner for Patents
Box PCT
Washington, D.C. 20231Attn: Shakeel Ahmed
DO/EO/US

Sir:

No original declaration or oath was filed earlier herein.
Accordingly, enclosed is the original declaration or oath for
this application.

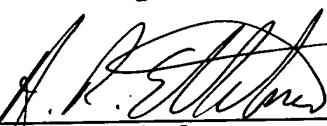
Please charge our Deposit Account No. 50-1177 in the amount
of \$130.00 as prescribed by 37 CFR 1.492(e) for the surcharge and
processing fee for filing a declaration on a date later than
20/30 months after the priority date of the application. A
triplicate of this sheet is enclosed along with an executed
declaration. Order No. 00-0386. Authorization is also granted
to charge any deficiency to Deposit Account 50-1177.

07/17/2000 ASIZAW 00000103 501177 09554387

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Respectfully submitted,


June 29, 2000
(Date)

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ARE/ras